



Washington Township Health Care District

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Kimberly Hartz, Chief Executive Officer

Board of Directors

Jacob Eapen, MD
William F. Nicholson, MD
Bernard Stewart, DDS
Michael J. Wallace
Jeannie Yee

BOARD OF DIRECTORS' MEETING

Wednesday, September 28, 2022 – 6:00 P.M.

Meeting Conducted by Teleconference

Dial In: 510-818-5900 Access Code: 6736

AGENDA

PRESENTED BY:

- | | |
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| I. CALL TO ORDER & PLEDGE OF ALLEGIANCE | Jeannie Yee
Board President |
| II. ROLL CALL | Dee Antonio
District Clerk |
| III. COMMUNICATIONS | |
| A. Oral
<i>This opportunity is provided for persons in the audience to make a brief statement, not to exceed three (3) minutes on issues or concerns not covered by the agenda. "Request to Speak" cards should be filled out in advance and presented to the District Clerk. For the record, please state your name.</i> | |
| B. Written | |
| IV. ANNOUNCEMENTS | |
| V. CLOSED SESSION | Kimberly Hartz
Chief Executive Officer |
| A. Report of Medical Staff and Quality Assurance Committee, Health & Safety Code section 32155 <ul style="list-style-type: none">• Medical Staff Committee Report | |
| B. Conference involving Trade Secrets pursuant to Health & Safety Code section 32106 <ul style="list-style-type: none">• Strategic Planning Discussion | |
| C. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code section 54956.9(d)(2) <ul style="list-style-type: none">• Claim: Kathy Gyax | |

Board Meeting Agenda
September 28, 2022

D. Conference involving Personnel Matters: Chief
Executive Officer

VI. OPEN SESSION

Report on Permissible Actions Taken During
Closed Session

Jeannie Yee
Board President

VII. ADJOURNMENT

Jeannie Yee
Board President

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (510) 818-6500. Notification two working days prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

STRATEGIC PLANNING PRIORITIES & PROGRESS REPORT September 23, 2022

I. NATIONAL AND LOCAL ECONOMIC UPDATE

Key indicators continue to provide mixed signals on the national economic outlook. While inflation rates appear to be slowing, they remain near a 40-year high. Equity markets are experiencing continuing volatility, adjusting to increasing interest rates as the Federal Reserve tries to tame inflation whilst avoiding tipping the economy into recession. The August national unemployment report points to a strong labor market with wage growth and low unemployment, however, the overall payroll and wage gains come amid concerns over a slowing economy that posted negative GDP numbers in the first two quarters of the year.

The Bureau of Labor Statistics showed that in August the national economy added 315,000 jobs and the unemployment rate rose to 3.7% from 3.5% in July, as the number of unemployed persons increased by 344,000 to 6.0 million. In July, these figures had returned to their February 2020 pre pandemic levels. The labor-force participation rate, or the share of adults working or seeking a job, increased slightly to 62.4%, which is one percentage point below the February 2020 level of 63.4%. The reduction in the overall labor force has increased demand for workers, which in turn has helped push up wages. The average hourly wage rate increased 0.3% in August and by 5.2% from a year ago. The number of Americans filing for unemployment benefits fell to a three-month low with 222,000 Americans filing for unemployment in early September, underscoring the robustness of the labor market. Depending on key indicators in the coming months, the Federal Reserve is likely to slow interest rate increases, however, it is still expected that the Federal Reserve will continue increasing rates up to 3.0% by the start of 2023. The current benchmark rate is in the range of 2.25% to 2.5%.

California's July unemployment rate (state and local unemployment data lag national data by a month) decreased to a new record low of 3.9%, down from 4.2% in June, as the state added 84,800 non-farm payroll jobs in the month. The July unemployment rate of 3.9% is the lowest on record in the data series that dates back to 1976, and represents 10 consecutive months of job gains and 13 consecutive months of losses in unemployment. The state has regained 97.3% of the jobs lost since the early stages of the pandemic. Despite strong unemployment data, given mixed economic indicators at the national level, the California economy is also cautiously bracing for a potential dip into recessionary territory.

During July (state and local unemployment data lag national data by a month), the District's unemployment rate decreased to 2.5%, down from 2.6% in May, with approximately 4,400 District residents in the labor force unemployed. These figures are calculated using the California EDD Department data for Cities and Sub-County Places for Fremont, Newark, Union City, and a small portion of Hayward, and Sunol.

Analysis of the economic indicators above is ongoing and carefully monitored for potential impacts to hospitals and opportunities for Washington to contribute expertise and advocacy through our elected officials.

II. CALIFORNIA STATE LEGISLATION

The 2021-22 legislative session ended on August 31st, after two weeks of floor sessions. All the bills passed by legislators are now with the governor, who has until September 30th to sign or veto them. Here are updates on budget trailer bills and key bills we are tracking for potential impacts to the District or the Healthcare System.

1. CHA/SEIU Compromise on Seismic Regulations and Minimum Wage

The compromise unveiled in August by CHA and SEIU on an increased minimum wage and deadline extension for state mandated seismic regulations failed to gain traction in the legislature and was abandoned by CHA after two weeks of discussion with members. The proposal unfortunately divided both CHA membership and labor organizations. Many hospitals in the state, particularly in San Diego County, the Central Valley and in rural northern California, felt that the compromise would bankrupt them and lead to multimillion dollar increases in their salary costs annually. Unions that opposed the compromise included CNA, NUHW, Teamsters, and the Building Trades Council. They accused SEIU of trading wages for safety for their members. SEIU expressed disappointment that CHA abandoned the compromise so quickly. It will be interesting to see whether there are any long-term adverse effects for CHA's leadership in the coming months.

2. Pending Legislature

There are a number of seismic-related bills currently making their way through the legislature:

- a. SB 1339 (Pan, D). This bill is a possible gut-and-amend vehicle for the CHA/SEIU compromise on seismic and minimum wage. **The bill failed to make it out of the assembly and is dead.**
- b. AB 1882 (R. Rivas, D). This bill would require a hospital to post a sign in the lobby or waiting area of the hospital if it is not in compliance with the 2030 seismic standards. This bill would also require the board of the hospital to provide an attestation it is aware of non-compliance with the 2030 standards to the county board of supervisors, city council, any unions that represent workers at the hospital, and the board of special district or joint powers agency that provides fire and emergency medical services in the jurisdiction in which the hospital building is located. CHA has expressed its opposition to this bill, saying it requires duplicative redundant reporting and misleads the public by labeling current SPC-2 buildings as an "evacuation risk." **The bill passed off the Senate Floor and is with the Governor for signature or veto.**

- c. AB 2904 (Bonta, D): This bill was amended in Assembly Health Committee to grant a two-year extension to Alameda Hospital to comply with SPC-3 structural and nonstructural requirements. The bill's author originally was asking for a seven-year extension. Dr. Wood, the chair of Assembly Health, indicated that he supports seven-year extensions for rural hospitals and two-year extensions for urban and suburban hospitals. **The bill passed off the Senate Floor and is with the Governor for signature or veto.**
- d. AB 2404 (L. Rivas, D): This bill extends compliance with seismic deadlines for Pacifica Hospital of the Valley in the San Fernando Valley. **The bill passed off the Senate Floor and is with the Governor for signature or veto.**

Legislation introduced to address the crisis in behavioral health aimed at behavioral health workforce development and expanded treatment options. The most relevant bills for WHHS in this area are as follows:

1. SB 1338 (Umberg, D): Community Assistance, Recovery and Empowerment (CARE) Court Program. This bill would establish the CARE Court program to connect persons struggling with untreated mental illness or substance use disorder with a court-ordered CARE plan. The bill authorizes a court to order an adult who lacks medical decision-making capacity to obtain treatment and services managed by a CARE team. By requiring counties to participate, the bill would impose a state-mandated local program. **The bill passed off the Assembly Floor and is with the Governor for signature or veto.**
2. SB 1154 (Eggman): This bill would require the State Department of Public Health to develop a database to collect information about beds in inpatient psychiatric facilities, crisis stabilization units, residential community mental health facilities, and licensed residential alcoholism or drug abuse recovery or treatment facilities in order to identify facilities for the temporary treatment of individuals in mental health or substance use disorder crisis. **The bill was held on the Assembly Appropriations Committee on the Suspense File and is dead.**
3. AB 1394 (Irwin, D): This bill would require general acute care hospitals, by January 1, 2025, to implement policies and procedures to screen patients 8 years and older for suicide risk. CHA has taken a support-if-amended position. **Signed into law by the Governor on July 19, 2022.**
4. AB 2242 (Santiago) –This bill, on or before July 1, 2023, would require the State Department of Health Care Services to convene a stakeholder group of entities, including CHA, to create a model care coordination plan to be followed when discharging patients held under 5150 temporary holds or a conservatorship. **The bill passed off the Senate Floor and is with the Governor for signature or veto.**

Staff are also monitoring the following bills that could have implications for WHHS if passed:

5. AB 858 (Jones-Sawyer): This bill prohibits hospitals from limiting a worker providing direct patient care from exercising independent clinical judgement and authorizes a worker who provides direct patient care to override health information technology and clinical practice guidelines. It also prohibits a hospital from retaliating against a worker providing direct patient care for overriding health information technology and clinical practice guidelines. This bill is being sponsored by the California Nurses Association. Initially, CHA opposed the bill, but removed its opposition after amendments were taken providing for a Private Attorney General Act exemption. CHA says this bill now codifies the existing chain of command in clinical decisions. **The bill passed off the Senate Floor and is with the Governor for signature or veto.**
6. SB 864 (Melendez, R): This bill would require hospitals to include a urine drug screening for fentanyl if a person is treated at a hospital and a urine drug screening is performed to assist in diagnosing the patient's condition. **The bill was signed into law by the governor on August 22, 2022.**
7. SB 931 (Leyva, D): This bill would authorize labor unions to bring claims to the Public Employment Relations Board against a public employer for allegations that they are deterring union membership. It would subject employers to civil penalties up to \$1,000 per violation per affected employee and up to \$100,000 in total. CHA has taken an oppose-unless-amended position. **The bill passed off the Assembly Floor and is with the Governor for signature or veto.**
8. SB 1044 (Durazo, D): This bill would prohibit employers during a state of emergency from taking or threatening any adverse action against employees for not reporting to or leaving work, and would prohibit employers from not allowing employees to access or use their phones during the emergency. **The bill passed off the Assembly Floor and is with the Governor for signature or veto.**
9. SB 1127 (Atkins, D): This bill would shorten the time frame from 90 to 60 days after knowledge of an injury for employers to reject a worker's compensation claim. **The bill passed off the Assembly Floor and is with the Governor for signature or veto.**
10. SB 1375 (Atkins, D): This bill would require a nurse practitioner (NP) who has been practicing a minimum of three full-time equivalent years or 4,600 hours as of January 1, 2023, to satisfy the transition to practice requirement. The bill would authorize clinical experience to include experience obtained before January 1, 2023, and would permit that experience to be counted toward the three full-time equivalent years or 4,600 hours. This bill also clarifies when an NP may not perform an abortion. CHA supports this. **The bill passed off the Assembly Floor and is with the Governor for signature or veto.**

III. FEDERAL LEGISLATION AND REGULATION

There is nothing new and of note to report this month.

IV. FOUNDATION

Foundation Programs

The Foundation has been campaigning for the Washington-UCSF Cancer Center since February and has documented \$3,060,000 in pledges to date with an additional \$250,000 in pending solicitations. With the support of the Campaign Steering Committee, the Foundation plans to solicit an additional 10-20 prospects by the end of December to reach our first milestone of \$5M.

The Foundation hosted its next planned giving workshop on September 15th at 5 p.m. in partnership with an estate attorney from Hopkins & Carley. This is the 2nd of a series of free seminars, and will provide a general overview of charitable giving opportunities, benefits to donors, tax deductions and vehicles for giving. In addition to the \$2.5M in future planned gifts that the Foundation has documented since 2021, a number of other community members have recently expressed an interest in making a planned gift to the Foundation. A special luncheon for Legacy Society Members will be held at Casa Bella in Sunol on September 27th.

Upcoming Meetings

The Foundation will host the 36th Annual Top Hat Gala on Saturday, October 8, 2022 at 6 p.m. in-person. Funds raised will support the purchase of equipment and technology for the Hospital's trauma center. Tickets will be limited to 400 guests to ensure COVID safety protocols.